

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEYLYNN LANDON GOLDSMITH,

Defendant.

No. 17-CR-2051-LRR

**ORDER REGARDING  
MAGISTRATE'S REPORT AND  
RECOMMENDATION  
CONCERNING DEFENDANT'S  
GUILTY PLEA**

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***I. INTRODUCTION AND BACKGROUND***

On May 23, 2018, a nine-count Superseding Indictment was filed against Defendant Keylynn Landon Goldsmith. On May 29, 2018, Defendant appeared before United States Chief Magistrate Judge C.J. Williams and entered pleas of guilty to Counts 4 and 5 of the Superseding Indictment. On May 30, 2018, Judge Williams filed a Report and Recommendation in which he recommended that the court accept Defendant's guilty pleas. On May 30, 2018, both parties waived objections to the Report and Recommendation. The court, therefore, undertakes the necessary review of Judge Williams's recommendation to accept Defendant's pleas in this case.

***II. ANALYSIS***

Pursuant to statute, this court's standard of review for a magistrate judge's report and recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Criminal Procedure 59(b) provides for review of a magistrate judge's report and recommendation on dispositive motions, where

objections are made, as follows:


The district judge must consider de novo any objection to the magistrate judge's recommendation. The district judge may accept, reject, or modify the recommendation, receive further evidence, or resubmit the matter to the magistrate judge with instructions.

Fed. R. Civ. P. 59(b)(3).<sup>1</sup>

In this case, the parties waived objections to the Report and Recommendation, and it appears to the court upon review of Judge Williams's findings and conclusions that there is no ground to reject or modify them. Therefore, the court **ACCEPTS** Judge Williams's Report and Recommendation of May 30, 2018, and **ACCEPTS** Defendant's pleas of guilty to Counts 4 and 5 of the Superseding Indictment.

**IT IS SO ORDERED.**

**DATED** this 30th day of May, 2018.

  
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LINDA R. READE, JUDGE  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF IOWA

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<sup>1</sup> *United States v. Cortez-Hernandez*, 673 F. App'x 587, 590-91 (8th Cir. 2016) (per curiam), suggests that a defendant may have the right to de novo review of a magistrate judge's recommendation to accept a plea of guilty even if no objection is filed. *But see* 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b). The district court judge will undertake a de novo review of the Report and Recommendation if a written request for such review is filed within fourteen days after this order is filed.